



■ WeBER Indicator Summary

AREA: PUBLIC SERVICE AND HUMAN RESOURCE
MANAGEMENT

KOSOVO

- **Author: Group for Legal and Political Studies - GLPS**
- **Date: 08.08.2018**

PAR Area	PUBLIC SERVICE AND HUMAN RESOURCE MANAGEMENT	Country	KOSOVO
SIGMA Principle	4: Direct or indirect political influence on senior managerial positions in the public service is prevented		

WeBER Indicator	3PSHRM_P4_I1: Effective protection of senior civil servants' positions from unwanted political interference
Indicator approach	
<p><i>The indicator measures the extent to which both formal and informal practices protect senior civil servants from political influence and prevent them from exercising their duties in a politically impartial manner.</i></p> <p><i>WeBER combines results of SIGMA's measurement for specific elements covered thoroughly in their methodology with in-house expert analysis of legislation, documents and websites, civil servants' and CSOs' perceptions obtained through surveys implemented in all six participating countries, to create a more balanced approach to the sensitive and controversial issue of the demarcation between professional and political posts in public administration.</i></p>	
Summary of the findings	
<p><i>According to the latest SIGMA Monitoring Report for Kosovo assesses the adequacy of the legislative framework for merit-based recruitment for senior civil service positions rather positive with a score of 10 out of 15 points. The report states that "The merit principle for recruitment is clearly established in the CSL. However, the ad hoc setup of selection panels, their mostly internal composition, and their wide discretion to formulate the written and oral testing questions compromise the full objectivity of the selection processes." (p.69). Based on the Fol requests, it has been determined that no senior civil service appointments were done without previous competition during 2017. Assessment could not be performed for the measurement period 01.06.2017 to 01.06.2018 given MPA only collects annual data on recruitment for all categories.</i></p> <p><i>The objectivity of criteria for the termination of employment of senior civil servants in the legislative framework as well as the application in practice of recruitment procedures for the senior civil service however are assessed very negatively, with a score of 0 out of 4 and 9 points, respectively. Along the same lines, only 15.8 % of surveyed civil servants and 12.2% of surveyed CSOs agree or strongly agree that procedures for appointing senior civil servants ensure that the best candidates get the jobs. The data regarding the professionalization of the senior managerial civil servants reveal worrisome perception of CSO regarding this matter. None of the surveyed CSOs agrees or strongly agrees, around 10% share a neutral view that the senior managerial civil servants are professional in practice (recruited on merit-basis) and not favoured politically.</i></p> <p><i>SIGMA Report states that the legislation stipulates clear basis for individual dismissals from the civil service. A disciplinary measure for dismissal could be initiated on the basis of violation of the code of conduct or other regulations, or due to criminal charges as well as during restructuring processes. Civil servants share a rather more negative perception on motives for dismissal in their institution. More precisely, 39% of surveyed civil servants consider often or always and 16.5% consider that sometimes that senior civil servants get dismissed for political motives. It should be noted that around 17% of surveyed civil servants don't know, have no opinion or do not want to answer on this matter. Moreover, only around 25% of surveyed civil servants stated that often or always or almost always formal rules and criteria for dismissing senior civil servants are properly applied in practice.</i></p> <p><i>The Regulation No. 06/2010 on the Procedures for Appointments to Senior Management Positions in the CSK regulates the procedure for selecting acting senior level managers. According to this regulation, acting senior level managers are selected without any competition process, for a maximum duration of three (3) months. The heads of institutions shall appoint as acting senior manager, the first subordinate officer or when there are a</i></p>	

number of subordinate officers of the same rank, then the officer that usually substitutes for the senior manager during short absences (Article 16.2). This suggests that the acting positions according to the regulation should be filled from within the civil service.

The survey data reveal a negative view of civil servants when asked to reflect whether senior civil servants would implement illegal orders from political superiors. 50.5% of surveyed civil servants agree or strongly agree that senior civil servants would implement illegal actions if political superiors asked them to do so. Moreover, 27.6% of surveyed civil servants replied either agree or strongly agree that senior civil servants can reject an illegal order from a minister or another political superior, without endangering their position. Remarkably, around a third of surveyed civil servants refused to answer, didn't know or had no opinion regarding these questions. Finally, 52.5% of surveyed civil servants consider that senior civil servants often or always participate in electoral campaigns of political parties during elections.

Specific observations

Survey of civil servants and CSOs were administered through anonymous, online questionnaire. The data collection method included CASI (computer-assisted self-interviewing).

The sample for the survey of civil servants was N=427

The sample for the CSO survey was N=52

Indicator score	9 (out of 40 points)
Final indicator value	1 (scale 0-5) ¹
Measurement period	Survey of Civil Servants: April 3 rd – April 25 th , 2018 Survey of CSOs: April 23 rd – May 28 th 2018

¹ Conversion of points: 0-4 points = 0; 5-8 points = 1; 9-11 points = 2; 12-14 points = 3; 15-17 points = 4; 18-20 points = 5